

# **A G E N D A**

**MONTGOMERY COUNTY PUBLIC SERVICE AUTHORITY  
Regular Meeting  
County Administration Conference Room  
Montgomery County Government Center  
Monday, April 5, 2010  
7:00 P.M.**

**I. CALL TO ORDER**

**II. DETERMINATION OF QUORUM**

**III. PUBLIC ADDRESS SESSION**

**IV. CONSENT AGENDA**

**V. INTO WORK SESSION**

A. PSA FY 2010-2011 Budget

**VI. OUT OF WORK SESSION**

**VII. NEW BUSINESS**

A. Virginia Department of Transportation – Resolution in Lieu of Guarantee Fee  
or Bond

**VIII. FINANCIAL REPORT**

**IX. DIRECTOR'S REPORT**

**X. AUTHORITY MEMBERS' REPORT**

**XI. INTO CLOSED MEETING**

Section 2.2-3711

(7) Consultation with Legal Counsel and Briefings by Staff Members or Consultants Pertaining to Actual or Probable Litigation, Where Such Consultation or briefing in Open Meeting Would Adversely Affect the Negotiating or Litigating Posture of the Public Body; and Consultation with Legal Counsel

Employed or Retained by a Public Body  
Regarding Specific Legal Matters Requiring  
the Provision of Legal Advice by Such Counsel

1. Water & Sewer Negotiations – City of Radford – Rock Road West
- (3) Discussion or Consideration of the Acquisition of Real Property for a Public Purpose Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiating Strategy of the Public Body
  1. Easement – Ironto Waterline Extension Project
- (1) Discussion, Consideration, or Interviews of Prospective Candidates for Employment; Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of Any Public Body
  1. Director's Evaluation

**XII. OUT OF CLOSED MEETING**

**XIII. CERTIFICATION OF CLOSED MEETING**

**XIV. ADJOURNMENT**

**TO:** PSA Board of Directors  
**FROM:** Robert C. (Bob) Fronk, PSA Director  
**DATE:** April 2, 2010  
**SUBJECT:** **AGENDA REPORT - PSA REGULAR MEETING – APRIL 5, 2010**

**I. CALL TO ORDER**

The Chair will call this meeting to order.

**II. DETERMINATION OF QUORUM**

The Chair will determine if a quorum is present.

**III. PUBLIC ADDRESS SESSION**

The Chair will ask if there are any comments from the public. Each person will be allowed five minutes to address the Board.

**IV. CONSENT AGENDA**

PROPOSED RESOLUTION:

BE IT RESOLVED, that the Public Service Authority hereby approves the Consent Agenda, dated April 5, 2010.

**V. INTO WORK SESSION**

PROPOSED RESOLUTION:

BE IT RESOLVED, that the Public Service Authority hereby enters into Work Session for the purpose of discussing the following:

A. FY 2010-2011 Budget See Item 2.

**VI. OUT OF WORK SESSION**

PROPOSED RESOLUTION:

BE IT RESOLVED, that the Public Service Authority hereby ends their Work Session to return to Regular Session.

**VII. NEW BUSINESS**

**A. SUBJECT:**

**VIRGINIA DEPARTMENT OF  
TRANSPORTATION – RESOLUTION  
IN LIEU OF GUARANTEE FEE OR  
BOND**

PROPOSED RESOLUTION:

**R10-04-1  
RESOLUTION IN LIEU OF GUARANTEE FEE OR BOND  
TO THE VIRGINIA DEPARTMENT OF TRANSPORTATION**

WHEREAS, it becomes necessary on occasion for the Montgomery County Public Service Authority to obtain permits from the Virginia Department of Transportation to install, construct, repair, replace, maintain and operate certain public works along, across over and upon the highway system of Virginia; and

WHEREAS, expense, damage or injury may be sustained by the Commonwealth of Virginia from granting the Montgomery County Public Service Authority, by the Virginia Department of Transportation permits for the aforementioned work; and

WHEREAS, one of the conditions of such permits is that the Montgomery County Public Service Authority shall indemnify the Commonwealth of Virginia against all damages and injuries to the highways, bridges, persons or property lawfully upon said highways.

NOW, THEREFORE, the conditions of this obligation in the amount of \$10,000, is such that if the Montgomery County Public Service Authority shall in all respects comply with all the conditions of the permits that have been, or will be, granted to the Montgomery County Public Service Authority, and shall indemnify and save harmless the Commonwealth of Virginia against and from all loss, cost, expense, damage or injury to highways, bridges, persons or property lawfully upon said highways arising from the granting of such permits to the Montgomery County Public Service Authority, then this obligation to be void, otherwise to remain in full force and virtue.

IN WITNESS WHEREOF, the Montgomery County Public Service Authority has caused this bond to be executed and its' official seal affixed pursuant to this Resolution adopted by the Montgomery County Public Service Authority on the 5<sup>th</sup> day of April, 2010.

ISSUE/PURPOSE:

A resolution to indemnify the Virginia Department of Transportation in lieu of cash guarantee fee or bond for Montgomery County Public Service Authority utility work in highway right-of-way.

## **VIII. FINANCIAL REPORT**

The financial report for period ending March 31, 2010 will be presented for review and discussion. See Item 3.

## **IX. DIRECTOR'S REPORT**

The Director's report will be presented at this time. See Item 4.

## **X. AUTHORITY MEMBERS' REPORT**

1. Member Muffo
2. Member Politis
3. Member Perkins
4. Member Brown
5. Member Marrs
6. Member Biggs
7. Member Creed

## **XI. INTO CLOSED MEETING**

### **PROPOSED RESOLUTION:**

BE IT RESOLVED, that the Public Service Authority hereby enters into Closed Meeting for discussion of the following:

- |                  |   |
|------------------|---|
| Section 2.2-3711 | <p>(7) Consultation with Legal Counsel and Briefings by Staff Members or Consultants Pertaining to Actual or Probable Litigation, Where Such Consultation or Briefing in Open Meeting Would Adversely Affect the Negotiating or Litigating Posture of the Public Body; and Consultation with Legal Counsel Employed or Retained by a Public Body Regarding Specific Legal Matters Requiring the Provision of Legal Advice by Such Counsel</p> <p>1. Water &amp; Sewer Negotiations – City of Radford – Rock Road West</p> |
|------------------|---|

- (3) Discussion or Consideration of the Acquisition of Real Property for a Public Purpose Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiating Strategy of the Public Body
  - 1. Easement – Ironto Waterline Extension Project
- (1) Discussion, Consideration, or Interviews of Prospective Candidates for Employment; Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of Any Public Body
  - 1. Director's Evaluation

## **XII. OUT OF CLOSED MEETING**

### **PROPOSED RESOLUTION:**

BE IT RESOLVED, that the Public Service Authority ends their Closed Meeting to return to Regular Session.

## **XIII. CERTIFICATION OF CLOSED MEETING**

### **PROPOSED RESOLUTION:**

WHEREAS, the Public Service Authority of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, that the Public Service Authority does hereby agree, that to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the meeting to which this certification resolution applies; and (ii) only public business matters as were identified in the motion conveying the Closed Meeting were heard, discussed or considered by the Authority.

## **XIV. ADJOURNMENT**

### **PROPOSED RESOLUTION:**

BE IT RESOLVED, that the Public Service Authority does hereby adjourn to the next meeting scheduled for Monday, May 3, 2010.

**CONSENT AGENDA**  
**April 5, 2010**

**A. APPROVAL OF MINUTES**

**1. SUBJECT: APPROVAL OF MINUTES DATED  
MARCH 1, 2010**

**ISSUE/PURPOSE:** The above listed minutes are before the  
Board for approval. See Item **1**.